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SUBJECT: SENATE PRESIDENT PESSIMISTIC ABOUT ELECTIONS

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Classified By: Political Officer Heather Merritt for reasons 1.4 (b) and (d)

11. (S) SUMMARY: Nigerian Senate President Ken Nnamani expressed a deep pessimism about the run-up, conduct and likely outcome of elections in six weeks. Nnamani (PDP-Enugu) believes the elections, if they happen, are likely to be the "chaotic," but logical conclusion to a flawed process marred by deficient preparation, fraud and political manipulation. The role of the Economic and Financial Crimes Commission (EFCC) and the Independent National Electoral Commission (INEC) in selectively disqualifying candidates has, Nnamani believes, lowered confidence in the electoral process and spurred the Senate, under his leadership, to fast-track a revision of the EFCC enabling law to enhance its independence. The current discussion in the Senate about the corruption scandal involving the Petroleum Trust and Development Fund (PTDF) is a "major issue" which involves both the President and Vice-President "as primary actors," Nnamani confided. The on-going debate in the Senate must be conducted in both a fair and scrupulous manner, Nnamani said, and "we must be seen as doing the right thing." End summary.

#### CONCERN ABOUT ELECTIONS AND EFCC

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12. (S) At a February 28 meeting over tea in his office, Senate President Ken Nnamani discussed Nigerian politics with visiting AF/W Director Phil Carter, PolCouns and Poloff. Nnamani, who was just returning from a charged hearing which he chaired on the just-released Senate report on allegations of corruption involving the President and Vice-President, expressed deep concern about the Nigerian political situation and the up-coming elections. Nnamani said that the overall negative trend in Nigerian politics could be traced to the faulty primaries held by all Nigerian political parties, which were brazenly fraudulent. He said his party, the PDP, was the "soldier ant" or lost leader which set the tone by conducting fraudulent primaries. "No primaries in the PDP led to the other parties not having real primaries," Nnamani said. He believes that the whole electoral process is, therefore, built on a shaky foundation. The likely outcome, he predicted, is, at best, a deeply flawed election replete with fraud. "I doubt the election will be credible," he responded when asked his assessment of what would happen in April.

13. (S) The roles of INEC and the EFCC have diminished the credibility of the electoral and political process, Nnamani argued. A strong supporter of the EFCC, Nnamani said he supported the commission's efforts to exclude all corrupt

politicians from holding office, but noted that the effort was severely undermined by the perception of selective enforcement. Nnamani related his shock after comparing the EFCC's original list of corrupt candidates with the final version vetted by the President. "Many governors originally on the list had been removed off of the final list," he confided. Nnamani provided his guests with a copy of his February 21 speech on the Senate floor which started with the line: "No corrupt politician is more important than the other." Nnamani was so incensed, he said, that he raised the issue with the President. "I told him I know the names on the list, I saw the names. Later the same names were gone." Nnamani did not share the President's response to his concern, but he did say that the Senate, under his leadership, had in the last two weeks prioritized revising the EFCC Act to bolster its independence. The specific revision the Senate is seeking involves Section 32, which give the President the power to unilaterally dismiss the chairman and other commissioners. The revision will require a two-thirds majority for dismissal. "We are going to finish this fast. We are trying to restore sanity," Nnamani confided to his guests.

#### CONCERN ABOUT INEC, ELECTIONS AND CHAOS

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14. (S) Nnamani suggested that the deep malaise affecting Nigerian politics was exacerbated by INEC's poor preparation, logistical miscalculations and perceived political bias. The disqualification of selected candidates is a power not supported by law. "INEC should only act based on a court pronouncement," he stated. The perception was, he posited, that INEC was not really independent and its actions, like those of the EFCC, were influenced by partisan politics. He referred to INEC chairman Maurice Iwu as "excessively optimistic." He expressed frustration with his interactions

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with Iwu, who has been called to testify in the Senate on several occasions. "He always says things are all right, no problem." The only problem, Nnamani concluded was "there are lots of problems."

15. (S) Senator Nnamani also said he doubted INEC's claim of having registered 60 million voters. The failure of INEC to display the register only compounds the likely problem with millions of voters arriving to the polls only to discover at the last minute they are not registered. He wondered out loud whether INEC was logistically prepared to accommodate the onslaught of voters within the time allotted for voting with an average of 500 voters at each of the 122,000 polling places. The likely outcome on election day, he suggested, would be "chaotic." But anger and chaos was just one possible scenario, he intimated. "Are you sure we are going to have elections?" he asked rhetorically in response to a follow-up question on elections.

#### THE PTDF, CORRUPTION AND IMPEACHMENT

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16. (S) Nnamani, who chaired the Senate hearings on amending the constitution last year, is again at the epicenter of a seminal political debate about allegations of corruption involving the President and Vice-President. Discussion about impeachment has resurfaced at the Nigerian National Assembly (NASS) and is likely to be tied to the outcome of the on-going PTDF hearings. Nnamani spoke to his visitors one hour after chairing a raucous hearing in the Senate on the PTDF report submitted by an ad-hoc committee. The report, which took five months to prepare, was partially leaked to the Daily Trust newspaper. Nnamani noted that there were divisions among the Senators who spoke about the report, with some alleging culpability of the vice president and others, like Senator Daisy Danjuma, saying the findings also point to

the President's culpability.

17. (S) Nnamani said there were numerous questions about the use of the PTDF funds and that rigorous debate in the Senate was merited as "billions of Naira were misappropriated." At one point he referred to the PTDF as a slush fund. He also referred to the President and Vice-President as "both primary actors," but hedged on whether both were equally culpable, saying that, "it is not as easy to say that the President benefited directly." Nnamani said that the hearings, which started on February 28 and will continue on March 6, are "a major issue." He added, "We must be seen to be doing the right thing. We must judge what we have before us."

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